

Appl. No. 10/627,412
Amdt. Dated January 21, 2005

Attorney Docket No.: KMG-001
Reply to Office Action of September 22, 2004

REMARKS:

SUMMARY OF THE OFFICE ACTION AND THIS RESPONSE

In the outstanding Office Action, the Examiner has rejected claims 14 and 15 under 35 USC 112, second paragraph. Claims 1, 2, 4, 5, 8, 9, 12, 17-19, 21, 22 and 26-28 were rejected under 35 USC 102(b) and claims 3, 7, 10, 6, 16 and 20 were rejected under 35 UCS 103. Claims 11, 13, 23-25 and 29 were indicated allowable. The Applicants have amended claim 13 to over come the rejections under 35 USC 112 and present arguments with respect to the other rejections.

SPECIFICATION AMENDMENTS

The Applicant has corrected a minor typographical error at page 4, line 23.

10 CLAIM REJECTIONS

35 USC 112

The Examiner has rejected claims 14 and 15 under 35 USC 112, second paragraph for being indefinite. The Examiner states that there is insufficient antecedent basis for the "the side wings" in claims 14 and 15. In response, the Applicant has amended claim 14 to depend from claim 13 which recites "first and second side wings". The Applicant submits that this amendment provides sufficient antecedent basis for "the side wings" in claim 14 and claim 15, which depends from claim 14. The Applicant further submits that this amendment merely makes implicit that which was implicit in claims 14 and 15 as originally filed. As such, this amendment introduces no new matter. Furthermore, this amendment does not narrow the scope of any limitation of claims 14 or 15 within the meaning of the decision in *Festo*.

35 USC 112

The Examiner has rejected claims 1, 2, 4, 5, 8, 9, 12, 17-19, 21, 22 and 26-28 under 35 USC 102(b) as being anticipated by U.S. Patent 4,513,907 to Grosshuesch. In rejecting the claims, the Examiner merely cites figs. 4 and 5 of Grosshuesch. The Applicant submits that the mere recitation of particular drawings provides an insufficient basis for the rejections. As such, the Examiner has failed to meet his burden under 37 CFR 104(c)(2) to clearly explain the pertinence of each reference, if not apparent. The Applicant submits that it is not apparent how figs 4 and 5

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of Grosshuesch describe all the features of the rejected claims. Fig. 4 is an isometric view showing a screen being placed within the laminations of a sidewall (see col. 3 lines 39-40). Fig. 5 is an isometric view showing the sidewalls being attached to the body blank (see col. 3, lines 41-42). Claim 1, recites “[a] vent for a corrugated wall, comprising: a sheet of material bent to 5 form two or more panels such that the vent fits within the corrugations of the corrugated wall, wherein the sheet of material includes one or more openings. Similar features are found in independent claim 26. Independent claim 17 recites A method for ventilating a corrugated cargo container, the method comprising: forming a hole in a wall of the cargo container covering the hole with a sheet of material bent to form two or more panels such that the vent fits within the 10 corrugations of the cargo container, wherein the sheet of material includes one or more openings. The Examiner has not explained how figs. 4 and 5 of Grosshuesch teach or suggest any of the features of claims 1, 17 or 26.

Furthermore, the Applicant submits that Figs. 4 and 5 of Grosshuesch do not teach or suggest all the features of claims 1, 17 and 26. Grosshuesch shows a side wall 31 having holes 32. The side 15 wall 31 is bent over to enclose a screen 30. The side wall 31 of Grosshuesch is not the same thing as “a sheet of material bent to form two or more panels such that the vent fits within the corrugations of the corrugated wall” as recited in claims 1 and 26. For a comparison, the Applicant directs the Examiner’s attention to FIGs. 1 and 2A-2E of the present application. In addition, Grosshuesch neither teaches nor suggests “forming a hole in a wall of the cargo 20 container” and “covering the hole with a sheet of material bent to form two or more panels such that the vent fits within the corrugations of the cargo container” as set forth in claim 17. Instead, Grosshuesch teaches that side wall 31 is a piece of corrugated material with holes in it (see col. 4, lines 8-15 and Fig. 7). Grosshuesch neither teaches nor suggests bending material 31 to fit 25 within the corrugations of a corrugated wall. Furthermore, the screen cannot correspond to “a sheet of material bent to form two or more panels such that the vent fits within the corrugations of the corrugated wall” since it is not bent to form two or more panels. Instead, the side wall 31 is bent to fit around the screen 30.

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Thus for, the reasons set forth above, the Applicant submits that Grosshuesch does not teach or suggest all the features of claims 1, 17 and 26 of the present application. As such, Grosshuesch does not anticipate these independent claims. Therefore, these claims define an invention suitable for patent protection. Furthermore, dependent claims 2, 4, 5, 8, 9, 12, depend from claim

5 1, dependent claims 18-19, 21 and 22 depend from claim 17 and dependent claims 27-28 depend from claim 26. As such, and for the same reasons set forth above with respect to claims 1, 17 and 26, the Applicants submit that these dependent claims are not anticipated by Grosshuesch and define an invention suitable for patent protection.

35 USC 103

10 The Examiner has rejected claims 3, 6, 7, 10, 16 and 20 as being obvious over Grosshuesch. Claims 3, 6, 7, 10 and 16 depend from claim 1 and claim 20 depends from claim 17. The Applicant submits that, for the reasons set forth above, Grosshuesch does not teach or suggest all the features of claims 1 and 17. As such no combination of Grosshuesch with ordinary skill in the art teaches all the features of dependent claims 3, 6, 7, 10, 16 and 20 and a prima facie case 15 of obviousness is not present. As such, these claims define an invention suitable for patent protection.

ALLOWABLE SUBJECT MATTER

The Examiner has indicated that claims 11, 13, 23-25 and 29 would be allowable if rewritten in independent form including all limitations of the base claim and any intervening claims.

20 However, for the reasons set forth above, the Applicant submits that these claims are allowable by virtue of their dependence from claims 1, 17 or 26.

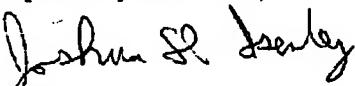
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CONCLUSION:

In view of the above amendments and remarks, the Applicants submit that all pending claims are allowable over the prior art of record. Therefore, the Applicants respectfully request that the Examiner reconsider the application and issue a Notice of Allowance in the next Office Action.

5 Respectfully submitted,



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